

REMARKS

Reconsideration of the objection and the rejections set forth in the Office Action dated February 17, 2010, is respectfully requested. The Examiner rejected claims 177-198 and 202. Applicants have amended claims 177, 187, and 202. Accordingly, claims 177-198 and 202 are now pending in the application. No new matter has been added by these amendments as can be confirmed by the Examiner.

A. The Cited Prior Art References Do Not Disclose Or Suggest Receiving Index Frame Each Comprising A Pixel Matrix Of Source Pixel Elements, Each Of The Source Pixel Elements Being Associated With A Pixel Color Value, Each Source Element Defining A Pixel Submatrix Within The Pixel Matrix, Each Of First Source Elements Comprising The Source Pixel Elements In The Selected Index Frame That Correspond With The Pixel Submatrix Of A Relevant Key Element, And Determining An Average Source Pixel Color Value For Each Of Said First Source Elements Of The Selected Index Frame, Said Average Source Pixel Color Value Comprising An Average Value Of The Pixel Color Values Of The Source Pixel Elements Included In A Relevant Frame Submatrix As Recited In The Pending Claims.

In the Office Action, the Examiner rejected claims 177-198, and 202 as being allegedly rendered obvious under 35 U.S.C. § 103(a) by Rabin et al., United States Patent No. 6,697,948 (hereinafter "Rabin") in view of Stratigos et al., United States Patent No. 5,537,486 (hereinafter "Stratigos") and further in view of Gauch, U.S. Patent No. 6,246,803 (hereinafter "Gauch"). Applicants respectfully submit, however that, by failing to disclose each and every element of independent claims 177, 187 and 202, as amended, Rabin in view of Stratigos further in view of Gauch does not render obvious independent claims 177, 187, and 202. Therefore, it is submitted that independent claims 177, 187, and 202, as well as claims 178-186 and 188-198 that depend therefrom, are in condition for allowance.

Independent claims 177, 187, and 202 each recite receiving index frame each comprising a pixel matrix of source pixel elements, each of the source pixel elements being associated with a pixel color value, each source element defining a pixel submatrix within the pixel matrix, each of first source elements comprising the source pixel elements in the selected index frame that correspond with the pixel submatrix of a relevant key element, and determining an average

source pixel color value for each of said first source elements of the selected index frame, said average source pixel color value comprising an average value of the pixel color values of the source pixel elements included in a relevant frame submatrix. Rabin in view of Stratigos further in view of Gauch does not teach or even suggest use of an index frame each comprising a pixel matrix of source pixel elements, each of the source pixel elements being associated with a pixel color value, each source element defining a pixel submatrix within the pixel matrix, each of first source elements comprising the source pixel elements in the selected index frame that correspond with the pixel submatrix of a relevant key element, and determining an average source pixel color value for each of said first source elements of the selected index frame, said average source pixel color value comprising an average value of the pixel color values of the source pixel elements included in a relevant frame submatrix. It therefore is submitted that Rabin in view of Stratigos further in view of Gauch does not bear on the patentability of independent claims 177, 187, and 202.

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. In view of all factual information, the Examiner must make a determination whether the claimed invention "as a whole" would have been obvious at that time to that person. Impermissible hindsight, however, must be avoided, and the legal conclusion must be reached on the basis of the facts gleaned from the prior art. See M.P.E.P. § 2142.

Here, the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. § 103(a) because, as set forth above, all of the elements of the pending claims are not found in the cited prior art references. None of the above references, neither individually nor in combination, disclose or suggest an index frame each comprising a pixel matrix of source pixel elements, each of the source pixel elements being associated with a pixel color value, each source element defining a pixel submatrix within the pixel matrix, each of first source elements comprising the source pixel elements in the selected index frame that correspond with the pixel submatrix of a relevant key element, and determining an average source pixel color value for each of said first source elements of the selected index frame, said average source pixel color

value comprising an average value of the pixel color values of the source pixel elements included in a relevant frame submatrix as set forth in the pending claims. Accordingly, at least one recited element of independent claims 177, 187, and 202 is totally missing from the cited prior art references. For at least the reasons set forth above, Applicants respectfully submit that independent claims 177, 187, and 202 are not rendered obvious by Rabin in view of Stratigos further in view of Gauch and that claims 177-198 and 202 are in condition for allowance.

B. Conclusion.

For at least the reasons set forth above, it is submitted that claims 177-198 and 202 are in condition for allowance. A Notice of Allowance is earnestly solicited. The Examiner is encouraged to contact the undersigned at (408) 341-2345 if there is any way to expedite the prosecution of the present application.

Respectfully submitted,

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By: \_\_\_\_\_



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